



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,921	07/17/2003	Rockne W. Behne	JK01503	3083

28268 7590 11/03/2006

THE BLACK & DECKER CORPORATION
701 EAST JOPPA ROAD, TW199
TOWSON, MD 21286

EXAMINER

DEXTER, CLARK F

ART UNIT	PAPER NUMBER
----------	--------------

3724

DATE MAILED: 11/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/621,921

Applicant(s)

BEHNE, ROCKNE W.

Examiner

Clark F. Dexter

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,5-8,10 and 12-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,5-8,10 and 12-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 August 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1. The amendment filed on August 17, 2006 has been entered.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the tension crank having an adjustable size as set forth in claims 7 and 14 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

Art Unit: 3724

the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

3. Claims 1, 3, 5-8, 10 and 12-14 are objected to because of the following informalities:

In claim 1, line 6, the recitation "a lifting shoe having a bottom surface coupled with the sliding tension bracket" is not sufficiently clear, particularly as to "coupled" refers (i.e., to the lifting shoe or the bottom surface), and it seems that --and-- should be inserted before "coupled" or the like for clarity.

In claim 8, line 7, the recitation "a lifting shoe having a bottom surface coupled with the sliding tension bracket" is not sufficiently clear, particularly as to "coupled" refers (i.e., to the lifting shoe or the bottom surface), and it seems that --and-- should be inserted before "coupled" or the like for clarity.

Appropriate correction is required.

Claim Rejections - 35 USC § 112, 1st paragraph

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 7 and 14 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which

Art Unit: 3724

was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The original disclosure does not provide sufficient support for the recitation "wherein the size of the tension crank is adjustable" as now set forth in claims 7 and 14. That is, structure is not disclosed for the tension crank 210 that permits it to be adjustable. Rather, support appears to be provided for replacing the tension crank with another tension crank having a different size.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1, 3, 5-8, 10 and 12-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Snodgrass, Jr., Pub. No. 2001/0054337.

Claims 1, 3 and 5-7

Snodgrass discloses a blade tensioning device with every structural limitation of the claimed invention including:

a sliding tension bracket (e.g., the plate like structure indicated by 79, see Fig. 13) for engaging the upper band wheel and the upper arm of the band saw;

a lifting shoe (e.g., 44) having a bottom surface (e.g., the bottom of 44 as shown in Fig. 3) coupled with the sliding tension bracket and configured and dimensioned to be received within the upper arm of the band saw and to slide the sliding tension bracket within the upper arm of the band saw;

a pin (e.g., each of the tooth-like projections on the outer portion of 76, see Fig. 3, which, like the pin of the present invention, is an elongated element fixedly attached to the outer perimeter of a rotatable component) for contacting the bottom surface of the lifting shoe (e.g., at the upwardmost extended position of 44 wherein the lower surface of the bottommost tooth of 44 and thus the bottom of 44 is contacted) and moving the lifting shoe in a direction substantially perpendicular to the bottom surface of the lifting shoe within the upper arm of the band saw;

a tension crank (e.g., 62) having a first end and a second end, the first end coupled with the pin, the tension crank configured and dimensioned to be received within the upper arm of the band saw, the tension crank capable of rotating the pin;

a tension handle (e.g., 64) having a first position and a second position, the tension handle coupled with the second end of the tension crank, the tension handle

Art Unit: 3724

rotates the tension crank causing the pin to rotate about the tension crank when the tension handle is moved,

wherein the tension handle, when moved from the first position to the second position, rotates the pin to a position where the pin contacts and moves the lifting shoe applying tension to the band saw blade;

(claim 3) wherein the band saw further includes a standard blade tensioning device (it is noted that the band saw is not positively set forth as part of the claimed “quick-pin blade tensioning device” so this claim does not explicitly set forth or otherwise imply any additional structure of the claimed tensioning device);

(claim 5) wherein the tension handle is removable from the tension crank (e.g., by member 48, or as shown in Figure 14);

(claim 6) wherein the tension handle has at least three positions (e.g., as shown in Figure 5);

(claim 7) wherein the size of the tension crank is adjustable, and wherein the tension applied to the band saw blade when the tension handle is moved increases as the size of the tension crank is increased (which appears to be met by the tension crank of Snodgrass as best understood from the claim language).

Claims 8, 10 and 12-14

Snodgrass discloses a band saw with every structural limitation of the claimed invention including:

a quick-pin tensioning device coupled with the upper band wheel of the band saw, the quick-pin tensioning device comprising,

a sliding tension bracket (e.g., the plate like structure indicated by 79, see Fig. 13) for engaging the upper band wheel and the upper arm of the band saw;

a lifting shoe (e.g., 44) having a bottom surface (e.g., the bottom of 44 as shown in Fig. 3) coupled with the sliding tension bracket and configured and dimensioned to be received within the upper arm of the band saw and to slide the sliding tension bracket within the upper arm of the band saw (e.g., as shown in Fig. 13);

a pin (e.g., each of the tooth-like projections on the outer portion of 76, see Fig. 3, which, like the pin of the present invention, is an elongated element fixedly attached to the outer perimeter of a rotatable component) for contacting the bottom surface of the lifting shoe (e.g., at the upwardmost extended position of 44 wherein the lower surface of the bottommost tooth of 44 and thus the bottom of 44 is contacted) and moving the lifting shoe in a direction substantially perpendicular to the bottom surface of the lifting shoe within the upper arm of the band saw;

a tension crank (e.g., 62) having a first end and a second end, the first end coupled with the pin, the tension crank configured and dimensioned to be received within the upper arm of the band saw (e.g., as shown in Fig. 13), the tension crank capable of rotating the pin;

a tension handle (e.g., 64) having a first position and a second position, the tension handle coupled with the second end of the tension crank, the tension handle

rotates the tension crank causing the pin to rotate about the tension crank when the tension handle is moved,

wherein the tension handle, when moved from the first position to the second position, rotates the pin to a position where the pin contacts and moves the lifting shoe applying tension to the band saw blade;

(claim 10) wherein the band saw further includes a standard blade tensioning device (e.g., 81);

(claim 12) wherein the tension handle is removable from the tension crank (e.g., by member 48, or as shown in Figure 14);

(claim 13) wherein the tension handle has at least three positions (e.g., as shown in Figure 5);

(claim 14) wherein the size of the tension crank is adjustable, and wherein the tension applied to the band saw blade when the tension handle is moved increases as the size of the tension crank is increased (which appears to be met by the tension crank of Snodgrass as best understood from the claim language).

Response to Arguments

8. Applicant's arguments filed August 17, 2006 have been fully considered but they are not persuasive. It is respectfully submitted that the prior art still teaches or suggests the claimed invention as further explained in the prior art rejection above.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark F. Dexter whose telephone number is (571)272-4505. The examiner can normally be reached on Mondays, Tuesdays, Thursdays and Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer D. Ashley can be reached on (571)272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3724

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Clark F. Dexter
Primary Examiner
Art Unit 3724

cfd
October 30, 2006